

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Applicants respectfully request that the foregoing amendments be entered at least because they narrow the issues for appeal.

Claims 1, 8 and 15-17 have been amended to clarify the invention of those claims. Claim 18 is currently being amended to correct a clerical error without narrowing its scope. No new matter is added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-18 are pending in this application.

Rejection under 35 U.S.C. § 112, second paragraph

Claim 18 stands rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Claim 18 has been amended to address the issue raised in the Office Action, and applicants respectfully request that the rejection be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-14 and 16-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication 2004/0010471 to Lenard ("Lenard") in view of U.S. Patent No. 5,752,041 to Fosdick ("Fosdick"). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Lenard. Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1, as amended, recites:

A telecommunications platform having a plurality of communications links, each link providing a certain amount of traffic capacity to a communications

network, of which only a portion of the links to the communications network are enabled for use through the activation of a first base license key, comprising:

a licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network;
and

a traffic monitoring element for measuring the traffic level of the platform and for generating data related to the measured traffic level for determining whether the number of links to the communications network which are used is greater than that provided for by the base license key.

Thus, in claim 1, the licensing framework is for activating an upgrade license key which enables additional links to the communications network to increase the total amount of traffic capacity to the communications network. Lenard and Fosdick fail to suggest at least this feature of claim 1 in the context of that claim.

As noted in the Amendment filed on January 30, 2007, Lenard is directed to a system for software license balancing in a system with two or more license servers located at different sites (abstract). When the number of software licenses available at one site falls below a predetermined number, and software licenses exist at an underutilized site, software licenses are transferred to the overutilized site, thus balancing the number of software licenses available at each site (abstract).

Lenard, however, fails to disclose activating an upgrade license key to enable additional communication links to increase the total amount of traffic capacity to a communications network as recited in claim 1, where each communication link provides a certain amount of the traffic capacity to the communications network. Lenard merely discloses shifting the number of software licenses between server sites so that enough software licenses are available at high use sites for use by users of that server requesting licenses. The act of shifting software licenses in Lenard, however, does not enable additional communication links to a server of Lenard so as to increase the total amount of traffic capacity to that server. Shifting a license to a server merely allows an already connected user to use software from that server. Thus, even if the number of users connected to a server

requesting licenses corresponds to the enable communications links of claim 1, which they do not, Lenard does not disclose all the features of claim 1.

The Office Action states on page 11 with respect to Lenard:

Lenard teaches a licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network (see paragraph [0025] & [0026] and figure 1). Creating additional communication links in this manner relates to each communication link providing a certain amount of traffic capacity to the communications network because changing the number of software licenses at the license server allows for it to increase its traffic capacity as more users are able to gain access (see paragraphs [0025] & [0025]). Each link between the license server and user provides a certain amount of traffic to the wide area network (WAN), because each license server is linked to it (see paragraph [0017] and FIGURE 1). As mentioned in the rejection above the WAN relates to the claimed communications network. Communication link is being interpreted as a license server allowing a user to access a license out of a plurality of authorized licenses (see paragraph [0026]).

The cited sections of Lenard, however, do not disclose activating an upgrade license key to enable additional communication links to increase the total traffic capacity to a communications network as recited in claim 1, where each communication link provides a certain amount of traffic capacity to the communications network. Lenard merely discloses in paragraph [0025] that upon a file usage request from a user 137, a server 132 may increase its number of software licenses if one is available from another server, but does not disclose that the additional software license increases the number of enabled communication links to the server 132 in the manner recited in claim 1. In Lenard, at the time of requesting usage, the user 137 must presumably do so through an enabled communication link to the server 132.

Thus, Lenard does not disclose that increasing the number of software licenses for a particular server increases the enabled communication links to increase traffic capacity, because the communication link for a user 137 to the server 132 is already enabled at time of the request for usage. Contrary to the assertion in the Office Action, changing the number of software licenses at a license server does not allow for it to increase its traffic capacity as more users are able to gain access, because changing the number of software licenses at a server does not change the number of users who have access to the server, much less the

traffic capacity, but only the number of users who may access the software. Similar arguments apply to the WAN, i.e. changing the number of software licenses at a server does not change the number of users who have access to the WAN, much less the traffic capacity, but only the number of users who may access the software.

Moreover, with respect to the statement in the Office Action that “[e]ach link between the license server and user provides a certain amount of traffic to the wide area network (WAN), because each license server is linked to it,” applicants note that the claim 1 recites “activating an upgrade license key to enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity,” not merely traffic. While the traffic to the WAN may change in Lenard depending on the use at a particular time, Lenard does not disclose changing the traffic capacity in the fashion recited in claim 1.

In sum, even if Lenard were combined with Fosdick, the combination fails to suggest all the features of claim 1. Fosdick was cited for allegedly disclosing a traffic monitoring element, but fails to cure the deficiencies of Lenard.

Independent claims 8, 15, 16 and 17 respectively recite “activating an upgrade license key to enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network”, “a licensing framework for activating an upgrade license key to temporarily enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network”, “a licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network” and “a licensing framework for activating an upgrade license key to enable additional ones of the plurality of links to the communications network to increase the total amount of traffic capacity to the communications network”, and thus are patentable for reasons analogous to claim 1.

The dependent claims are patentable for reasons analogous to their respective independent claims, as well as for further patentable features recited therein. For example, Lenard and Fosdick fail to suggest the features of at least dependent claims 2, 9, or 13, nor would such features have been obvious in light thereof.

Applicants believe that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a
telephone interview would advance the prosecution of the present application.

Respectfully submitted,

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FOLEY & LARDNER LLP
Customer Number: 22879
Telephone: (202) 672-5485
Facsimile: (202) 672-5399

By Thomas G. Bilodeau

William T. Ellis
Attorney for Applicant
Registration No. 26,874

Thomas G. Bilodeau
Attorney for Applicant
Registration No. 43,438